

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION

PAULA S. GEORGE,

Plaintiff,

vs.

WAL-MART STORES, INC.,

Defendant.

No. C09-3070

COMPLAINT

COMES NOW the Plaintiff, Paula S. George, and for her complaint, states as follows:

I. JURISDICTION AND VENUE

1. Paula S. George seeks recovery against the Defendant, Wal-Mart Stores, Inc. (Wal-Mart), for violations of the Family and Medical Leave Act of 1993, 29 U.S.C. §2611 *et seq.*

2. This Court has subject matter jurisdiction over this claim pursuant to 29 U.S.C. §2611 Title I §107(a)(2) and 28 U.S.C. §1331.

3. Venue is proper in the Northern District of Iowa, Central Division, under 28 U.S.C. §1391(b) and 1391(c). Plaintiff was a resident of this district at all times material hereto and Defendant was at all times material hereto conducting business in this district. The claims upon which the complaint is based arose within this district.

II. PARTIES

4. Plaintiff, Paula S. George, is a resident of Fort Dodge, Webster County, Iowa.

5. Wal-Mart Stores, Inc. (hereinafter Walmart) is an Arkansas Corporation doing

business throughout the United States and operating in Fort Dodge, Webster County, Iowa.

6. Plaintiff began employment with Walmart on November 11, 1999.

7. Plaintiff is an eligible employee under the Family and Medical Leave Act of 1993 (FMLA).

8. Walmart is a covered employer under the FMLA.

9. On April 16, 2009 Walmart issued Plaintiff a notice of designation (FMLA) approving Plaintiff's request for FMLA Leave based on Plaintiff's serious health condition.

10. Plaintiff's healthcare provider completed a certification of healthcare provider for associate's serious health condition (FMLA) on April 16, 2009.

11. The healthcare provider's certification stated that it would be medically necessary for Plaintiff to be absent from work due to flare ups of acute exacerbations of pain 3 to 4 times per month over the next 6 months.

12. Walmart fired Plaintiff on August 17th because of absences related to her serious health condition and flare ups of pain.

13. Walmart's termination of Plaintiff was in violation of the Plaintiff's rights afforded her under the FMLA.

14. Walmart, in terminating Plaintiff, has interfered with Plaintiff's leave provided for by the FMLA.

15. Plaintiff has been damaged as a result of Walmart's termination in violation of the FMLA.

WHEREFORE, Plaintiff prays for judgment against the Defendant, Wal-Mart Stores, Inc., for the following damages:

- a. Wages, salary, employment benefits, and other compensation denied Plaintiff by reasons of Plaintiff's violation of the FMLA;
- b. Liquidated damages equal to the sum of the amount for lost wages, salary, employment benefits, and other compensation denied or lost;
- c. Interest;
- d. Attorney fees; and
- e. Court costs.

JURY DEMAND

COMES NOW the Plaintiff and hereby demands a jury trial on all factual issues herein.

JOHNSON, KRAMER, GOOD, MULHOLLAND,
COCHRANE, & DRISCOLL, P.L.C.

By: /s/ Stuart J. Cochrane

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